

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

In re: **TOMMY DEWAYNE DOBSON
ANNE CHRISTINE DOBSON**

Debtors,

Case No.: 23-60148-RBC
Chapter 11

CNH INDUSTRIAL CAPITAL AMERICA LLC

Movant,

i.

**TOMMY DEWAYN DOBSON
ANNE CHRISTINE DOBSON**

Respondent

**MOTION TO APPROVE AGREEMENT
ON RELIEF FROM THE AUTOMATIC STAY**

NOW COMES CNH Industrial Capital America LLC ("CNH"), by counsel, and moves the Court for relief from the automatic stay pursuant to 11 U.S.C. Section 362, by reason of the following:

1. The Debtors filed for relief pursuant to Chapter 11 on February 7, 2023.
2. William E. Callahan, Jr. was appointed Chapter 11 Trustee.
3. The Debtor, Tommy Dewayne Dobson, is a guarantor on the lease agreement

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between CNH and Dobson Homes for the following equipment:

2020 Case Compact Track Loader, Model TR340B, Serial No.: JAFTR340HKM478193
2020 Case Compact Excavator, Model CX57C, Serial No.: TK0000835.

4. A copy of the Lease Agreement and UCC Financing Statement is attached as Exhibit "A" and "B".

5. The Debtors have indicated a desire to surrender their interest in the equipment involved herein to CNH.

6. The equipment is not property of the Estate; this motion seeks relief as a protective mechanism in that the Debtors included CNH in their bankruptcy petition.

WHEREFORE, CNH moves the Court for relief from the automatic stay pursuant to 11 U.S.C., Section 362.

CNH INDUSTRIAL CAPITAL AMERICA LLC

By: _____ /s/ Carl A. Eason
Of Counsel

CERTIFICATION OF SERVICE

I hereby certify that on the 16th day of May, 2023, a true copy of the foregoing Motion for Relief from the Automatic Stay was mailed or electronically transmitted to H. David Cox, Cox Law Group, PLLC, 900 Lakeside Drive, Lynchburg, VA 24501; to William E. Callahan, Gentry Locke, PO Box 40013, Roanoke, VA 24011; to Tommy Dewayne Dobson and Anne Christine Dobson at 91 Beaver Dam Court, Keswick, VA 22947; to W. Joel Charboneu, Office of the United States Trustee, 210 First Street, Suite 505, Roanoke, Virginia 24011 and to Creditors on list attached.

/s/ Carl A. Eason